

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHODS OF MODULATING c-KIT TYROSINE PROTEIN KINASE FUNCTION WITH  
INDOLINONE COMPOUNDS**

(Attorney Docket No. 038602/0994)

the specification of which (check one)

       is attached hereto.

  X   was filed on 12/22/2000 as United States Application Number or  
PCT International Application Number 09/741,842 and was  
amended on        (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date
60/171,693	12/22/1999

I HEREBY CLAIM the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER:

\_\_\_\_\_

STEPHEN A. RENT	Reg. No. 29,768
DAVID A. BLUMENTHAL	Reg. No. 26,257
BETH A. BURROUS	Reg. No. 35,087
ALAN I. CANTOR	Reg. No. 28,163
WILLIAM T. ELLIS	Reg. No. 26,874
JOHN J. FELDHAUS	Reg. No. 28,822
MICHAEL D. KAMINSKI	Reg. No. 32,904
LYLE K. KIMMS	Reg. No. 34,079
KENNETH E. KROSIN	Reg. No. 25,735
JOHNNY A. KUMAR	Reg. No. 34,649
JACK LAHR	Reg. No. 19,621
GLENN LAW	Reg. No. 34,371
PETER G. MACK	Reg. No. 26,001
STEPHEN B. MAEBIUS	Reg. No. 35,264
BRIAN J. MC NAMARA	Reg. No. 32,789
SYBIL MELOY	Reg. No. 22,749
RICHARD C. PEET	Reg. No. 35,792
GEORGE E. QUILLIN	Reg. No. 32,792
ANDREW E. RAWLINS	Reg. No. 34,702
BERNHARD D. SAXE	Reg. No. 28,665
CHARLES F. SCHILL	Reg. No. 27,590
RICHARD L. SCHWAAB	Reg. No. 25,479
MICHELE M. SIMKIN	Reg. No. 34,717
HAROLD C. WEGNER	Reg. No. 25,258

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.


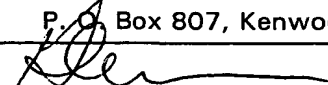
I request that all correspondence be directed to:

Beth A. Burrous  
 FOLEY & LARDNER  
 Washington Harbour  
 3000 K Street, N.W., Suite 500  
 Washington, D.C. 20007-5109

Telephone: (202) 672-5475  
 Facsimile: (202) 672-5399

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor	Ken Lipson
Residence	San Mateo, CA
Citizenship	USA
Post Office Address	733 Costa Rica Avenue, San Mateo, CA 94402
Inventor's signature	
Date	MAR. 19, 2001
Name of second inventor	Gerald McMahon
Residence	Kenwood, CA
Citizenship	USA
Post Office Address	P. O. Box 807, Kenwood, CA 94542
Inventor's signature	
Date	MARCH 22, 2001



38002/594  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JULY 20, 2001

PTAS



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FOLEY & LARDNER  
BETH A. BURROUS  
WASHINGTON HARBOUR  
3000 K STREET, N.W., SUITE 500  
WASHINGTON, D.C. 20007-5109

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/30/2001

REEL/FRAME: 011765/0232  
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
LIPSON, KEN

DOC DATE: 03/19/2001

ASSIGNOR:  
MCMAHON, GERALD

DOC DATE: 03/22/2001

ASSIGNEE:  
SUGEN, INC.  
230 EAST GRAND AVENUE  
SOUTH SAN FRANCISCO, CALIFORNIA

94080-4811

SERIAL NUMBER: 09741842  
PATENT NUMBER:

FILING DATE: 12/22/2000  
ISSUE DATE:

011765/0232 PAGE 2

SEDLEY PYNE, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

05-09-2001

Atty. Dkt. No. 038602/0994

FORM PTO-1595 (modified)

U.S. DEPARTMENT OF COMMERCE

(Rev 6-93)

RECOR



ET

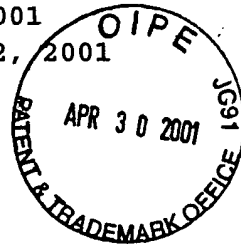
Patent and Trademark Office

101709965

To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copies thereof.

## 1. Name of conveying party(ies):

Ken Lipson, March 19, 2001  
 Gerald McMahon, March 22, 2001



4-30-01

Additional conveying party(ies)

NO

## 2. Name and address of receiving party(ies):

Sugen, Inc.  
 230 East Grand Avenue  
 South San Francisco, California  
 94080-4811

## 3. Nature of conveyance:

ASSIGNMENT

Execution Date:

Mar. 19, and Mar. 22, 2001

Additional name(s) &amp; address(es) attached? NO

## 4. Application number(s) or patent number(s):

If this is being filed together with a new application, the execution date of the application is:

A. Patent Application Number(s):

09/741,842

B. Patent Number(s):

Additional numbers attached? YES

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Beth A. Burrous  
 FOLEY & LARDNER  
 Washington Harbour  
 3000 K Street, N.W., Suite 500  
 Washington, D.C. 20007-5109

## 6. Total number of applications/patents involved: 1

7. Total fee (37 C.F.R. § 3.41): \$240.00

☒ Check Enclosed

Charge to deposit account

8. Deposit account number: 19-0741

DO NOT USE THIS SPACE

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## 9. Statement and signature:

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. The Commissioner is hereby authorized to charge any additional recordation fees which may be required in this matter to the above identified deposit account.*

Beth A. Burrous

Name of person signing

Signature

April 30, 2001

Date

Total number of pages including cover sheet, attachments, and document: 6

**ASSIGNMENT AND AGREEMENT**

**WHEREAS**, K n Lipson of 733 Costa Rica Avenue, San Mateo, CA 94402, and Gerald McMahon of P. O. Box 807, Kenwood, CA 94542, (hereinafter referred to singly and collectively as "ASSIGNOR") have invented a certain invention entitled **METHODS OF MODULATING c-KIT TYROSINE PROTEIN KINASE FUNCTION WITH INDOLINONE COMPOUNDS** (Atty. Dkt. No. 038602/0994) for which an application for United States Letters Patent was filed on December 22, 2000 as Application No. 09/741,842; and

**WHEREAS**, Sugen, Inc., a corporation duly organized and existing under the laws of the State of California, and having its principal place of business at 230 East Grand Avenue, South San Francisco, California 94080-4811 (hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire interest therein;

**NOW THEREFORE**, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto ASSIGNEE, its successors and assigns, the full and exclusive right, title, and interest in and to (a) the above-identified invention or inventions and all improvements and modifications thereof, (b) the above-identified application and all other applications for Letters Patent of the United States and countries foreign thereto for the above-identified invention or inventions and all improvements and modifications thereof, (c) all Letters Patent which may issue from said applications in the United States and countries foreign thereto, (d) all divisions, continuations, reissues, and extensions of said applications and Letters Patent, and (e) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

**ASSIGNOR HEREBY AUTHORIZES AND REQUESTS** the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

**ASSIGNOR HEREBY AGREES** (a) to communicate to ASSIGNEE, its successors and assigns, or their representatives or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States or a country foreign thereto; (c) to execute and deliver, upon request by ASSIGNEE, all lawful papers including, but not limited to, original, divisional, continuation, and reissue applications, renewals, assignments, powers of attorney, oaths, affidavits, declarations,



depositions; and (d) to provide all reasonable assistance to ASSIGNEE, its successors and assigns, in obtaining and enforcing proper title in and protection for said invention or inventions, improvements, and modifications under the intellectual property laws of the United States and countries foreign thereto.

*ASSIGNOR HEREBY REPRESENTS AND WARRANTS* that ASSIGNOR has the full and unencumbered right to sell, assign, and transfer the interests sold, assigned, and transferred herein, and that ASSIGNOR has not executed and will not execute any document or instrument in conflict herewith.

*ASSIGNOR HEREBY GRANTS* to the law firm of **Foley & Lardner** the power and authority to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

*ASSIGNOR UNDERSTANDS AND AGREES* that the attorneys and agents of the law firm of **Foley & Lardner** do not personally represent ASSIGNOR or ASSIGNOR's legal interests, but instead represent the interests of ASSIGNEE; since said attorneys and agents cannot provide legal advice to ASSIGNOR with respect to this Assignment, ASSIGNOR acknowledges its right to seek its own independent legal counsel.

Executed this 19 day of MAR, 2001.

  
\_\_\_\_\_  
Ken Lipson

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for said county, appeared Ken Lipson, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

*SEE ATTACHED CALIFORNIA ALL-PURPOSE  
ACKNOWLEDGEMENT*  
(Seal)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Executed this 22 day of MARCH, 2001.

  
\_\_\_\_\_  
Gerald McMahon

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for said county, appeared Gerald McMahon, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

*SEE ATTACHED CALIFORNIA  
ALL PURPOSE ACKNOWLEDGEMENT*

(Seal)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

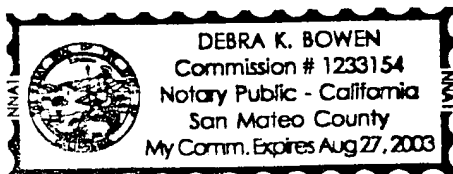
County of SAN MATEO } ss.

On MARCH 19, 2001, before me, DEBRA K. BOWEN, Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared KEN LIPSON  
Name(s) of Signer(s)

- ☒ personally known to me  
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Debra K. Bowen

Signature of Notary Public

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document: ASSIGNMENT & AGREEMENT

Document Date: MARCH 19, 2001 Number of Pages: 3

Signer(s) Other Than Named Above: GERALD McMAHON

### Capacity(ies) Claimed by Signer

Signer's Name: KEN LIPSON

- ☒ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: SUGEN, Inc.

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here.

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

SAN MATEO

SS.

On MAR 22 2001

Date

before me, DEBRA K. BOWEN NOTARY PUBLIC

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

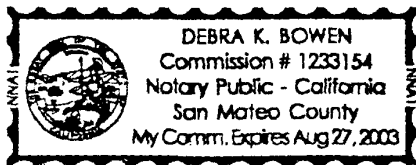
GERALD McMAHON

Name(s) of Signer(s)

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Debra K. Bowen

Signature of Notary Public

## OPTIONAL

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### Description of Attached Document

Title or Type of Document:

ASSIGNMENT & AGREEMENT

Document Date:

MAR 19 AND MAR 22, 2001

Number of Pages:

3

Signer(s) Other Than Named Above:

KEN LIPSON

### Capacity(ies) Claimed by Signer

Signer's Name:

GERALD McMAHON

☒ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

SUGEN, INC.

RIGHT THUMBPRINT  
OF SIGNER

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